

A bill for the relief of the legal representatives of Henry B. Williams, dec'd.; read and passed to a third reading.

A bill for the relief of Amos Morrill; read and passed to a third reading.

The report of the committee on Private Land Claims, on the petition of Leander Brown, was read and adopted.

Mr. Portis, chairman of the committee on Education, made the following report :

COMMITTEE ROOM, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on Education, to whom was referred the petition of sundry citizens of the Cat Spring settlement, in Austin county, respecting the distribution of the Free Public School Fund, have had the same under consideration, and have instructed me to report that the joint committee of the Legislature, on Education, have examined the merits of the petition, and have agreed upon a bill which has been reported to the House of Representatives, and have recommended it to the favorable consideration of the Legislature. All of which, is respectfully reported.

A bill for the relief of James Nelson; read second time, and ordered to be engrossed.

The report of the Finance committee, on a bill for the relief of John R. Baker, recommending that it be laid on the table; was read and adopted.

On motion of Mr. Brashear, the Senate adjourned.

WEDNESDAY, 9 o'clock, A. M. January 24th, 1850.

The Senate was called to order by the President—Senators present : Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Jan. 24th, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on Enrolled Bills, have examined the follow-

ing bills, originating in the House and find them correctly enrolled, viz :

The bill to provide for holding an election for the permanent location of the seat of government.

The bill to provide for the enumeration of the inhabitants of the State of Texas, for the year 1851.

The bill to establish permanently the seat of justice for Leon county ; and

The bill relative to extending the civil jurisdiction of the State of Texas over the South half, and the criminal jurisdiction over the whole of Red River.

Mr. Latimer, from the committee on the Judiciary, to whom was referred a bill to authorize and require Judges of the District court to hold special sessions thereof, in certain cases ; and joint resolution, making an appropriation for the purchase of books for the use of the Supreme court ; reported the same back to the Senate, and recommended that they be laid on the table.

Mr. Latimer, from the same committee, to whom was referred a bill to remove from the possession of the Clerk of Webb county, all books, papers, documents and other property belonging, or in any way appertaining to the city of Laredo, to the City Council ; reported the same back and recommended its passage.

Mr. Van Derlip, from the committee on the Judiciary, to whom was referred a bill to extend the jurisdiction of the county of Medina, for certain purposes ; and joint resolution relative to the removal of obstructions to the navigation of Red River ; reported the same back to the Senate, and recommended their passage.

Mr. Phillips, chairman of the committee on the Judiciary made the following report :

COMMITTEE ROOM, Jan. 23d, 1850.

HON. JOHN A. GREER,

President of the Senate :

The committee on the judiciary have had under consideration a bill to authorize the Governor to subscribe for the Reports of the Decisions of the Supreme Court of the State of Texas, report :

The committee recommend the following amendments to the bill :

1. Strike out in the the 1st section, the word "three hundred" and insert "two hundred and fifty."

To the last part of the second section, add as follows :

"Bound in law calf, and executed in a style equal to that of the first volume of said Reports."

With these amendments, a majority of the committee recommend the passage of the bill, Senator Wallace dissenting.

A. H. PHILLIPS, *Chairman*.

Mr. Phillips, from the same committee, to whom was referred a bill to require the Commissioner of the General Land Office, to issue patents, in certain cases.

A bill for the relief of the heirs at law of John Dentworth; and

A bill to amend the act prescribing the mode of trying the right of property, levied on by execution, &c.,

Reported the same back to the Senate, and recommended that they be laid on the table.

Mr. Phillips, from the same committee, returned to the Senate, a bill relative to the proof of the statute and common law of the States and Territories of the United States, and recommended its passage.

Mr. Phillips, from the same committee, to whom was referred a resolution of the Senate, instructing the Judiciary committee to enquire into the expediency of admitting to record in this State, certified copies of deeds, made and recorded in the State of Louisiana, &c., reported the same back to the Senate, and asked to be discharged from its further consideration.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of George C. Arnest; reported the same back to the Senate, and recommended its passage.

Mr. Walker, from the committee on Private Land Claims, to whom was referred joint resolution for the relief of John Hobson; reported the same back to the Senate, and recommended its passage.

Mr. Taylor, from the committee on Engrossed Bills, reported the following bills and joint resolutions, correctly engrossed.

An act to establish the Marshall Railway Company.

Joint resolution authorizing the payment of the unexpended balance of the appropriation made by a joint resolution for the relief of the Texian prisoners, in Mexico, approved Feb. 5th, 1844, to the persons entitled thereto.

ORDERS OF THE DAY.

On motion of Mr. Burleson, the vote which passed a bill to create the county of Burnet, was reconsidered.

On motion of Mr. Robertson, the vote which amended the bill by striking out "Falls," and inserting "Burnet," was reconsidered.

The question was then taken on the amendment, and lost.
The bill then passed.

A message was received from the House of Representatives, informing the Senate, that the House had unanimously passed the Senate resolutions on the subject of slavery, with an amendment from the Joint committee of the two Houses; also, joint resolution and memorial of the Legislature of the State of Texas, to the President and Congress of the United States, relative to the vast and enormous depredations committed and being committed upon the citizens and property of those residing upon the borders and frontier of Texas, and asking an increase of the military establishment in Texas, for the due protection of the lives, persons and property of her citizens; and

A bill authorizing and requiring the Commissioner of the General Land Office to issue a certificate to Wyly Marshall, for 320 acres of land, with amendments; also,

The following bills, originating in the Senate:

A bill to authorize the County court of Jasper county to have levied and collected, a special county tax, to be applied exclusively to the erection of a jail and courthouse for said county; and

A bill for the benefit of the heirs of James Ury, dec'd.; also,

The following bills and joint resolutions, originating in the House, viz:

A bill to amend the 28th section of an act to regulate proceedings in the District courts.

A bill to create the county of Uvalde.

A bill to amend the 4th section of an act for the regulation of Pilots at the mouth of the Brazos river, approved March 18th, 1848.

A bill regulating estrays.

A bill for the relief of the heirs of Abasiah Dixon.

Joint resolution for the relief of Christopher Trouter and R. M. Davis; and

Joint resolution for the relief of William R. Baker.

A bill to organize the county of Ellis; read third time, and on motion of Mr. Cooke, re-committed to the Judiciary committee.

The following bills were severally read a third time and passed:

A bill for the relief of Richard B. Jarman.

A bill for the relief Gen. Memucan Hunt.

A bill for the relief of Amos Morrill.

A bill authorizing the Comptroller to issue duplicates of certain certificates.

A bill to incorporate the town of Tyler, in Smith county.

A bill to amend an act to incorporate the city of Nacogdoches, approved March 16th, 1848.

A bill to declare John James Elliott the legitimate child of William Elliott and Polly Elliott, of Rusk county.

A bill for the relief of the legal representatives of Henry B. Williams, dec'd.

Joint resolution for the relief of J. F. Brown and Lyman Tarbox.

Joint resolution, authorizing the payment of the unexpended balance of the appropriation made by a joint resolution for the relief of the Texian prisoners in Mexico, approved Feb. 5th, 1844, to the persons entitled thereto.

Joint resolution for the relief of the heirs of Robert Earl dec'd.

A bill to establish the Marshall Railway Company; read third time and passed, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Hart, Hinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—19.

Nays: Mr. Gage—1.

A bill concerning patents for land; read and ordered to be engrossed.

On motion of Mr. Walker, a bill to authorize and require the Commissioner of the General Land Office to issue patents for land on surveys made in Peters' Colony; was taken up and read, and on motion of Mr. Cooke, referred to a Select committee.

Messrs. Cooke, Walker, Truit, Hart and Robertson, were appointed said committee.

Mr. Portis, from the Judiciary committee, to whom was referred a bill authorizing the Auditor of Public Accounts to audit the claim of Elizabeth Ryals, against the late Republic of Texas, for the sum of one thousand and twenty-three dollars, for spoliations committed by the Mexicans in 1841; reported a substitute therefor, and recommended its adoption and passage.

Resolutions of the Legislature of the State of Texas, on the subject of slavery.

On motion of Mr. Pease, made the special order of the day for to-morrow, by the following vote:

Yeas: Messrs. Burleson, Davis, Gage, Grimes, Kinney, Pease, Ward and Wallace—8.

Nays: Messrs. Cooke, Latimer, Moffett, Parker, Portis, Robertson and Van Derlip—7.

On motion of Mr. Cooke, a bill to define the boundaries of Limestone county, was taken up and read first time.

Mr. Pease moved to suspend the rule, that the bill might be read second time. Lost.

A bill to authorize the Commissioner of the General Land Office to issue a certificate to Wily Marshall for 320 acres of land, with an amendment from the House, was on motion of Mr. Robertson, laid on the table until to-morrow.

The Senate concurred in the amendment of the House to joint resolutions and memorial of the State of Texas relative to the vast and enormous depredations committed, &c.

Joint resolution to provide for the payment of translating the laws of the first and second sessions of the Legislature, into German, and for printing the same, with the report of the Finance committee, offering an amendment; was read, amendment adopted and bill passed to a third reading.

A bill to create the twelfth Judicial district; read, and on motion of Mr. Davis, laid on the table until to-morrow.

A bill supplementary to an act to create the county of Ellis; read and passed to a third reading.

Mr. Robertson, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, Jan. 24th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on State Affairs, to whom was referred a joint resolution authorizing the Governor to send a Commissioner to the Government of the United States, for the purpose of ceding to said government, a portion of the territory of Texas, have maturely considered the same, and instructed me to report, that it would be in the opinion of your committee, improper for the Legislature to adopt the course contemplated by the resolution; in a different condition of things there are many and weighty considerations, both of State policy and humanity, which would suggest the cession of a portion of the territory of Texas to the General Government, but it is considered that a proposition to do so now, when the highest functionaries of that government, and those who represent their will, have manifested a disposition in no manner to respect the rights of this State to a large portion of the domain contemplated to be ceded by this resolution, would, so far as the rights of the State are concerned, be impolitic and unwise, and as an act of legislation, wanting in dignity and self respect. In the opinion of the committee, the Governor of the State is the proper channel, through which the wishes of the General Government, in regard to her Indian or other policy connected with our territory, should be made known to the Legisla-

ture, and they have no hesitation in believing that the Legislature will promptly respond to the desire of that government, should a wish be so expressed, by appointing a Commissioner to enter into said negotiation. But, until such wish shall have been expressed, the committee believe it would be impolitic for the Legislature to take any action in the matter; they therefore, report the resolution back to the Senate, and recommend that it be indefinitely postponed.

A bill to authorize the withdrawal from the General Land Office, of deeds issued on paper of the second seal; read third time and passed.

A bill to authorize the the Governor to appoint a General Staff, and organize the militia of the State; read, and on motion of Mr. Robertson, referred to a Select committee of five.

Messrs. Robertson, Wallace, Moffett, Truit and Ward, were appointed said committee.

A bill to repeal the act to provide for closing the business of the late War and Marine Department; and to transfer the books, records and papers of the Adjutant General's office, to the office of Secretary of State; read, and on motion of Mr. Robertson, referred to the same Select committee of five.

Mr. Portis introduced a bill to amend an act to establish the Galveston and Red River Railway Company; read first time.

Mr. Portis moved to suspend the rule. Lost.

Mr. Robertson introduced a bill to provide for the removal of the archives of the State, to the seat of Government, if removed from Austin, by the vote of the people, to be taken in the year 1850; read first time.

A bill to revive and amend an act to locate permanently the seat of justice for the county of DeWitt, approved March 9th, 1848; read and passed to a third reading.

A bill for the relief of B. C. Johnson, assignee of John F. Stacy; read and passed to a third reading.

A bill to amend an act to provide for ascertaining the debt of the late Republic of Texas; read and ordered to be engrossed.

A bill to amend an act entitled an act to regulate the public printing, approved March 8th, 1848, together with the report of the committee on Finance, recommending that it be laid on the table; was read and report adopted.

Preamble and joint resolutions, instructing our Senators and requesting our Representatives in the Congress of the United States, to demand of the United States protection to the State, from domestic violence, and the immediate acknowledgment of the western boundary of the State of Texas, as defined in the

laws of this State, and guaranteed by the joint resolutions of annexation, together with the report of the committee on State Affairs, recommending that they be referred to the Special committee appointed by the Senate on Santa Fé; read, and report adopted.

Joint resolutions instructing our Senators and requesting our Representatives in the Congress of the United States, to demand and receive an equivalent of the United States, for the Texian territory north of 36 degrees 30 minutes, and if they fail therein, then to demand of the United States the immediate suppression of their military government within the territory of Texas, and to demand and receive from the United States, payment for the navy, magazines, arms, armaments and munitions of war, transferred to the United States, under the terms of annexation, by Texas, and for which she has never received any equivalent, whatever, from the United States, together with the report of the committee on State Affairs, recommending that the resolutions be indefinitely postponed; was read, and on motion of Mr. Wallace, the report was laid on the table, and joint resolutions referred to the same Select committee on Santa Fé.

On motion of Mr. Brashear, the Senate adjourned until half 2 o'clock.

HALF PAST 2 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

Mr. Grimes, chairman of the committee on Finance, to whom was referred joint resolution for the relief of George Morgan and Robert Rose; reported the same back to the Senate, and recommended its passage.

Mr. Grimes, chairman of the committee on Finance, to whom was referred joint resolution making an appropriation for the *per diem* pay of the members and officers of the present Legislature; reported the same back to the Senate, and recommended its passage.

On motion of Mr. Portis, the joint resolution was taken up, read and passed to a third reading.

Mr. Portis moved to suspend the rule. Lost.

A bill for the relief of the legal representatives of John L. Dabney; read second time and ordered to be engrossed.

A bill for the relief of Mason W. Cope; read and passed to a third reading.

Joint resolution for the relief of William M. Williams, together with the report of the committee on Private Land Claims,

offering a substitute therefor; was read, and on motion of Mr. Gage, bill and substitute were laid on the table.

Joint resolution for the relief of the heirs of R. W. Balentine; read and passed to a third reading.

A bill to establish the Rio Grande Railway and Turnpike Company, together with the report of the committee on Internal Improvements, offering a substitute therefor, was read, and substitute adopted.

Mr. Davis offered the following amendment:

"Be it further enacted, That the directors of said Company shall not at any one time, call in more than ten per cent. on each share; provided, also, that every share, on which the above instalment is not paid, within one month after being called for by the directors, shall be considered forfeited, and can be resold by said directors."

Adopted, and the bill passed to a third reading.

Joint resolution authorizing the Comptroller to make a final settlement with the late public printer, for printing the laws and journals of the second Legislature; read first time.

Mr. Brashear moved to suspend the rule, that it might be read second time. Lost.

Joint resolution for the relief of William Arnold, dec'd.; read and passed to a third reading.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred joint resolution for the relief of Samuel C. Douglass; joint resolution for the relief of Zebulon M. Porter; and bill to create the office of State Translator; reported the same back to the Senate, and recommended them to their favorable consideration.

Mr. Robertson, from the same committee, reported back to the Senate a bill for the relief of Francis L. Merriwether and Peter P. Harding, and recommended its passage.

Mr. Latimer introduced a bill for the relief of the heirs of Tilman Baker, dec'd.; read first time.

A bill to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the board of Land Commissioners of Robertson county, under certain restrictions; read, and on motion of Mr. Van Derlip, recommitted to the committee on Public Lands.

A bill for the relief of Martha McBride and Margaret Garnett; read, and on motion of Mr. Hart, referred to the Judiciary committee.

A bill granting a charter to the Galveston and Brazos Navigation Company, together with the report of the committee on In-

ternal Improvements, offering amendments thereto, was read, amendments adopted, and bill passed to a third reading.

A bill for the relief of John E. Linn; read second time, and ordered to be engrossed.

A bill to legalize certain headright certificates, issued by the County court of Refugio county; read, and on motion of Mr. Phillips, referred to the Judiciary committee.

Joint resolution, making provisions for surveying a certain quantity of University land; read.

The Senate refused to pass the bill to a third reading.

A bill to authorize John J. Grumbles and Lyman Tarbox to establish a ferry on the Colorado river, together with the report of the committee on Roads, Bridges and Ferries; recommending that it be laid on the table, was read, and report adopted.

Joint resolution for the relief of Berry W. Perkins; read and passed to a third reading.

On motion of Mr. Pease, the vote which refused to pass to a third reading a joint resolution making provisions for surveying a certain quantity of University land, was reconsidered, and on motion of Mr. Gage, the resolution was laid on the table.

A bill for the relief of the heirs and legal representatives of Charles Murchard, dec'd.; read second time, and ordered to be engrossed.

A bill to authorize Judges of the District courts to hold special terms; read, and on motion of Mr. Gage, referred to the committee on County Boundaries.

A bill for the relief of the purchasers of lots in the city of Austin, under certain circumstances, together with the report of the committee on the Judiciary, recommending that the bill be laid upon the table, was read and report adopted.

A bill to authorize the Commissioner of the General Land Office to issue patents to assignees of administrators, together with the report of the committee on the Judiciary, recommending that the bill be laid on the table; was read, and report adopted.

The report of the committee on the Judiciary, on the petition of sundry citizens of Leon county, asking a change in the time of holding the Spring term of the District court, recommending that the petition be laid upon the table; read and adopted.

The report of the Judiciary committee on a bill to amend the first section of an act entitled an act to regulate the license and practice of Attorneys at law, approved May 12th, 1846, recommending that it be laid on the table, was read and adopted.

The following bills and joint resolutions from the House, were severally read first time, viz:

Fiscal Agent, &c., have, after mature deliberation, considered it advisable to continue that officer for the better security of the revenue. The per centage allowed tax collectors in counties remote from the seat of government, where but little revenue is collected, is insufficient remuneration to justify the collector to travel to the seat of government, to pay in the taxes collected by him, and may, peradventure, suffer the District Attorney to move for judgment against him in the District court, when he will pay over the money to the District Attorney, in whose hands the revenue would not be more safe than in the hands of the collector.

To allow collectors mileage, in the opinion of your committee, would not be a matter of economy.

Your committee would therefore, recommend that the bill be permitted to lie on the table.

Mr. Grimes, from the same committee, to which was referred a bill authorizing Joseph H. Beck to plead, and be allowed certain offsets, in certain cases therein mentioned; reported the bill back to the Senate, and recommended that no further action be had thereon.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to legalize certain headright certificates, issued by the County court of Refugio county; reported a substitute therefor, and recommended its adoption and passage.

Mr. Phillips, chairman of the committee on the Judiciary, made the following reports:

COMMITTEE ROOM, Jan. 25th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The Judiciary committee have had under consideration a bill to regulate the transfer of the consolidated stock fund of the late Republic of Texas, and have instructed me to report, that the arrangements made by the legislation of the present session for the liquidation of the public debt, renders the present bill unnecessary. They therefore, recommend that the bill be laid on the table.

The committee on the Judiciary, to whom was referred the petition of Robert Gillet, asking the cancellation of two grants, claimed by the petitioner as a purchaser, and that certificates may be granted in lieu of said grants, have instructed me to report that they deem it inexpedient to grant the prayer of the petitioner. It is well known that many grants have been issued under the former government; some to fictitious persons, and some without any actual surveys having been made. And while your committee are disposed to do full justice to all those who were

honestly entitled to land, under the laws heretofore existing, yet they cannot sanction a course of legislation that might in effect validate claims, perhaps utterly void in their origin, and that too, without the remotest prospect of any benefit to the original claimant. They therefore, recommend that the petition be laid upon the table.

The Judiciary committee, to whom was referred a bill relative to the subject of offsets, in suits on behalf of the State, against individuals, have instructed me to report against the bill.

The Legislature has taken action on the subject of her public debt, giving all legal claimants an opportunity to present their demands, and have them satisfied by landscrip. The proposed plan, contemplated in the bill, would materially affect, it is believed, the collection of debts due the State, and give one class of creditors an advantage over others, who, as not being defaulters, or liable on forfeited bonds, are perhaps the most meritorious. They therefore, recommend that the bill be laid upon the table.

Mr. Gage, from the committee on Privileges and Elections, to which was referred a bill supplementary to an act to apportion the Senators and Representatives of the Legislature, among the several counties of this State, according to the requirements of the Constitution, approved January, 1850; reported a substitute for the same, and recommended its adoption and passage.

Mr. Robertson, chairman of the committee on Private Land Claims, to whom was referred the petition of William A. Burns, reported the same back to the Senate, and recommended that it be laid on the table.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill for the relief of Thomas Garner, assignee of Hiram H. Millions, and a bill for the relief of William C. Sparks, assignee of Samuel W. Willis; reported the same back to the Senate, and recommended their passage.

ORDERS OF THE DAY.

A message was received from the House of Representatives, informing the Senate, that the House had passed a bill, which originated in the Senate, to provide for the payment of jurors, with amendments; also, the following bill and joint resolution, originating in the House, viz:

A bill to amend an act to establish the Judicial Districts of the District Courts; and

Joint resolution providing more effectually for the protection of the frontier of Texas.

A bill to establish the Rio Grande Railway and Turnpike Company; read third time and passed by the following vote:

Yeas: Messrs. Brashear, Burleson, Grimes, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—17.

Nays: Mr. Gage—1.

A bill to provide for the payment of jurors, with amendments, from the House, read, and amendments concurred in.

The following bills and joint resolutions were severally read a third time and passed, viz:

A bill to provide for distributing the Reports of the Supreme Court, the Laws of the State, and Journals of the Legislature.

Joint resolution to provide for the payment of translating the laws of the first and second sessions of the Legislature, into German, and for printing the same.

Joint resolution for the relief of the heirs of William Arnold, dec'd.

Joint resolution for the relief of Berry W. Perkins.

Joint resolution for the relief of the heirs of R. W. Balentine, dec'd.

A bill for the relief B. C. Johnson, assignee of John F. Stacy.

A bill for the relief of Mason W. Cope.

A bill supplementary to an act to create the county of Ellis.

Joint resolution making an appropriation for the *per diem* pay of the members and officers of the present Legislature.

Mr. Moffett, chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, Jan. 25th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Enrolled Bills, have examined the following bills, and find them correctly enrolled, viz:

A bill entitled an act for the relief of Gen. Hemucan Hunt.

A bill entitled an act for the relief of Richard B. Jarman.

A bill entitled an act to authorize the County court of Harrison county, to have record book B, of bonds, deeds, mortgages and other instruments of writing, now in the County Clerk's office of said county, transcribed.

A joint resolution extending the civil jurisdiction of the State of Texas over the south half, and criminal jurisdiction over the whole of Red River.

A bill to be entitled an act for the relief of Uzziell Baggett.

A bill entitled an act for the relief of Aramenta D. Allen, heir at

law of Preston P. Allen, lately a soldier in the army of Texas.

Joint resolution for the relief of Joseph Branham.

Joint resolution for the relief of Elizabeth Hart.

A bill entitled an act to extend and define the eastern boundary of Caldwell county.

A bill to be entitled an act to incorporate the Bexar Manufacturing Company.

A bill to create the 12th Judicial District, together with the report of the Select committee, offering amendments; was read.

Mr. Phillips moved to lay the report on the table until Monday 28th inst.

Upon which the yeas and nays were called, and stood thus:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Kinney, Latimer, McRae, Moffett, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—18.

Nays: Messrs. Gage and Parker—2. Carried.

The bill passed to a third reading.

Mr. Van Derlip made the following report:

COMMITTEE ROOM, Jan. 25th, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The Special Joint committee of the Senate and House of Representatives, to whom were referred resolutions upon the subject of the existence within the territory of the State of Texas, of a military government, countenanced and maintained by the Federal Government of the United States, have given the same that deliberate consideration which the importance of the subject demands; and they herewith report, that from every source of official information to which your committee have had access, they are forced to the conclusion that there exists a settled determination on the part of the Federal Government to destroy the State sovereignty and civil jurisdiction of Texas within the limits of the counties of Santa Fé, Worth, and a portion of El Paso.

The official information which justifies this conclusion is contained in the correspondence of Spruce M. Baird, Judge of the 11th judicial district, with the State Department, which discloses the positive existence of a military government, maintained within that territory, by the government of the United States; in the orders of the Secretary of War of the United States, establishing the 8th military department, and in the late annual message of the President of the United States to Congress. The information derived from these and other sources, in connection with the studied silence of the Federal Executive upon the communications addressed to him on this subject from the Executive De-

partment of this State, leaves no doubt in the minds of your committee that the Federal Government have already exercised, and are attempting yet further to usurp unjustifiable and high-handed power over a portion of the territory of Texas, in violation of the constitution and laws of the United States and of this State, and in utter disregard of the terms contained in the solemn compact of annexation.

Your committee regard any further discussion of the *right* of the State to that territory, as useless and unbecoming in connection with existing circumstances. Facts beyond cavil and dispute; arguments unanswered and unanswerable, have from time to time been presented in the establishment and defence of our claim, and have as often been treated as unworthy of consideration. A resort to petition would be unwarranted and improper, as that would imply the right and power to grant. Every art of persuasion has already been exhausted, and remonstrance has hitherto proved unavailing.

While a prospect of future hope existed, the State forbore to murmur, believing it would ultimately be realized and her rights secured;—the illusion has vanished and the time for action has arrived.

The State must now adopt measures to assert and maintain her sovereignty in her own territory, or embrace the degrading alternative of submission to arbitrary power. It is but necessary to mention the latter alternative, to dismiss it forever from consideration. The acknowledged chivalry of the people of Texas, forbids us to entertain it for a single moment. The only course remaining is the firm assertion of our rights, and the determination to maintain them at every hazard.

The committee, therefore, recommend that the Legislature demand of the General Government of the United States the immediate abolition of military government over any portion of the territory of Texas; and in the event that such demand should not be acceded to, or that the United States should attempt to establish a territorial government over any portion of said territory, or establish the office of Surveyor-General therein, as recommended by the Executive of the United States, that the Governor in such case be authorized and required to employ the whole force of the militia of the State to sustain her rightful sovereignty and jurisdiction, and that the entire amount of money in the treasury of the State be appropriated for that object.

Your committee believe that a *crisis* has arrived which renders the proposed legislation necessary, and that it is the only

available policy remaining to secure the rights of the State in a manner consistent with her dignity.

They therefore report a substitute for the resolutions, embracing these provisions, and recommend its passage.

D. C. VAN DERLIP,

Ch'm'n on part of Senate.

DAVID Y. PORTIS,

B. RUSH WALLACE.

J. M. CLOUGH,

Ch'm'n on part of House.

W. H. STEWART,

W. M. WILLIAMS,

The Senate concurred in the amendments of the House to a bill to authorize and require the Commissioner of the General Land Office to issue a certificate to Wyly Marshall for 320 acres of land.

The Senate concurred in the amendment of the House to resolutions of the Legislature of the State of Texas, on the subject of slavery.

A bill to amend an act to establish the Galveston and Red River Railway Company; read second time, and on motion of Mr. Latimer, referred to the committee on Internal Improvements.

A bill to provide for the removal of the archives of the State, to the seat of government, if removed from Austin by the vote of the people, to be taken in the year 1850; read second time on motion of Mr. Truit, referred to the committee on State Affairs.

A bill for the relief of the heirs of Tilman Baker; read second time and on motion of Mr. Parker, referred to the committee on Private Land Claims.

A bill to amend the fourth section of an act for the regulation of Pilots, at the mouth of the Brazos river, approved March 18, 1848; read second time, and on motion of Mr. Parker, referred to the committee on State Affairs.

A bill regulating estrays; read second time, and on motion of Mr. Parker, referred to the committee on State Affairs.

A bill to create the county of Uvalde; read second time, and on motion of Mr. Burleson, referred to the committee on County Boundaries.

A bill for the relief of George T. Howard and Duncan C. Ogden; read second time, and on motion of Mr. Van Derlip, referred to the committee on Claims and Accounts.

A bill for the relief of Abasiah Dixon; read second time, and

on motion of Mr. Burleson, referred to the committee on Public Lands.

A bill to define the boundaries of Limestone county; read second time, and on motion of Mr. Gage, referred to the committee on Military Affairs.

A bill providing for the payment of the forage, subsistence, medicines, &c., of the company of mounted volunteers, commanded by Captain Johnson, and mustered into the service of the State by order of his Excellency, George T. Wood, Governor; read second time, and on motion of Mr. Kinney, referred to the committee on Military Affairs.

A bill to amend the 28th section of an act to regulate proceedings in the District courts; read second time, and on motion of Mr. Parker, referred to the committee on the Judiciary.

A bill to incorporate the town of Rusk; read second time, and on motion of Mr. Parker, referred to the committee on the Judiciary.

Joint resolution authorizing the Comptroller to make a final settlement with the late public printer, for printing the laws and journals of the second Legislature; read second time, and on motion of Mr. McRae, referred to the committee on Finance.

Joint resolution for the relief of Christopher Troute and R. M. Davis; read second time, and on motion of Mr. Phillips, referred to the committee on Private Land Claims.

Joint resolution granting the Hon. Fielding Jones, Judge of the tenth Judicial district, leave of absence from the State; read second time, and on motion of Mr. Moffett, referred to the committee on State Affairs.

Joint resolution for the relief of William R. Baker; read second time, and on motion of Mr. Latimer, referred to the committee on Private Land Claims.

Joint resolution relative to the removal of obstructions to the navigation of Red River; read, and on motion of Mr. Latimer, laid on the table.

Joint resolution authorizing the Governor to send a Commissioner to the government of the United States, for the purpose of selling a portion of the territory of Texas, together with the report of the committee on State Affairs, recommending its indefinite postponement; was read, and report adopted.

A bill authorizing and requiring the Auditor of Public Accounts, to audit the claim of Elizabeth Ryals, against the late Republic of Texas, for the sum of one thousand and twenty-three dollars, spoiliations committed by the Mexicans in 1841, to-

gether with the report of the committee on the Judiciary, offering a substitute therefor, was read, and substitute adopted.

On motion of Mr. Hart, the bill was amended, by striking out the words "by the public enemy."

On motion of Mr. Wallace, the bill was further amended, by striking out "and on account of the loss and destruction of her entire property."

The bill was then ordered to be engrossed, by the following vote :

Yeas : Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Kinney, Latimer, Moffett, Parker, Phillips, Portis, Taylor, Truit, Van Dertip, Ward and Walker—16.

Nays : Mr. Wallace—1.

A bill for the relief of George C. Arnest ; read and ordered to be engrossed.

Joint resolution for the relief of Charles Morgan and Robert Rose ; read and passed to third reading.

Joint resolution authorizing the Governor to subscribe for 300 copies of the second and third volumes of the Decisions of the Supreme Court of this State, together with the report of the Judiciary committee, offering amendments thereto, was read, amendments adopted, and bill passed to a third reading.

A bill to create the office of State Translator ; read and referred to the committee on Finance.

A bill for the relief of Samuel C. Douglass ; read and passed to a third reading.

A bill for the relief of Zebulon M. Porter ; read and passed to a third reading.

Joint resolution making an appropriation for the purchase of books for the use of the Supreme court, together with the report of the committee on the Judiciary, recommending that it be laid on the table ; was read and report adopted.

A bill to require the commissioner of the General Land Office to issue patents, in certain cases, together with the report of the Judiciary committee, recommending that it be laid on the table ; was read, and report adopted.

A bill relative to the proof of the statute and the common laws of the States and Territories of the United States ; read and ordered to be engrossed.

A bill to extend the jurisdiction of the county of Medina, for certain purposes ; read and passed to a third reading.

Joint resolution for the relief of John Hobson ; read and passed to a third reading.

A bill to remove from the possession of the County Clerk of

Webb county, all books, papers, documents and other property, belonging, or in any way appertaining to the city of Laredo, to the city council; read and passed to a third reading.

A bill to amend an act to establish the Judicial districts of the District courts; read first time.

Joint resolution providing more effectually for the protection of the frontier of Texas; read first time.

On motion of Mr. Phillips, the Senate adjourned.

SATURDAY, 9 o'clock, A. M. January 26th, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Barleson, Cooke, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Grimes, chairman of the committee on Finance, made the following reports:

COMMITTEE ROOM, Jan. 26th, 1850.

HON. JOHN A. GREER,

President of the Senate:

The committee on Finance, to whom was referred a bill to be entitled an act for the relief of William McMaster, late sheriff of Brazoria county, have had the subject under consideration. The showing made to your committee is, that said McMaster collected taxes by virtue of his office, under the laws of the late Republic of Texas; and in making settlement with the Comptroller of Public Accounts, returned lands as having been sold for taxes and bid in for the State, for the want of bidders, when he had received the taxes in full on the same. Your committee are advised that suit is pending in the District court of his county to recover the amount of his defalcation.

Your committee cannot conceive that his is a case deserving the sympathy of the Legislature, and are of opinion that the precedent might prove prejudicial to the collection of the revenues of the State. They therefore, recommend that the relief contemplated by the bill, be refused.

The committee on Finance, to whom was referred a bill to be entitled an act to create the office of State Translator, have con-